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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventieth session
14 September–2 October 2015
Item 4 of the provisional agenda
Consideration of reports by States parties

List of issues in relation to the report submitted by Madagascar under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 15 June 2015.

The Committee may take up any aspects of the children's rights set out in the Optional Protocol during the dialogue with the State party.

1. With regard to paragraphs 132 and 133 of the State party report (CRC/C/OPSC/MDG/1), please provide information on progress made towards the establishment of a system of data collection covering all the offences referred to in the Optional Protocol.

2. Please provide statistical data, disaggregated by sex, age, urban or rural residence, national origin and socioeconomic background, from 2011 onwards, on:

(a) Reports of sales of children, disaggregated by sale for purposes of sexual exploitation, transfer of organs for profit or forced labour, child prostitution, child pornography and child sex tourism, together with information on the action taken in response to these reports, in particular prosecutions brought and penalties imposed;

(b) The number of children offered, delivered or accepted by whatever means for the purpose of prostitution, engagement in forced labour, illegal adoptions, organ transfer or pornography, together with information on the action taken as a response, in particular prosecutions brought and penalties imposed;

(c) The number of child victims who have been given assistance with reintegration or compensation.

3. With regard to paragraph 162 of the State party report, please indicate the measures taken to coordinate application of the Optional Protocol.

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4. With reference to paragraphs 29 to 31 of the State party report, please indicate the state of current legislative reforms and whether national legislation explicitly defines and establishes as offences, in the context of the sale of children as defined in article 2 of the Optional Protocol, the transfer of organs for profit and the engagement of children in forced labour.

5. With respect to paragraphs 46 to 56 of the State party report, please specify whether national legislation explicitly defines and establishes as offences all the acts covered in article 3, paragraph 1 (c), of the Optional Protocol, including possession of child pornography.

6. With regard to paragraphs 57 to 60 of the State party report, please provide information on the measures taken or planned to establish the criminal liability of legal persons for the offences covered by the Optional Protocol.

7. Regarding paragraphs 18 and 19 of the State party report, please provide information on the measures taken or planned to extend extraterritorial jurisdiction beyond the cases defined in article 335 ter of the Criminal Code and ensure that it covers all the offences established by the Optional Protocol. Please also state whether the offences covered in article 3, paragraph 1, of the Optional Protocol are *ipso jure* included in the extradition treaties in force and, in the case of an extradition request from a State with which the State party has not concluded an extradition treaty, whether the Optional Protocol may be considered to constitute a legal basis for extradition in respect of these offences.

8. Please indicate whether there is an independent mechanism, accessible to children, in charge of receiving and investigating complaints from children or on behalf of children regarding violations of any of the rights guaranteed by the Optional Protocol. If so, please provide information on the number of complaints received and their outcomes.

9. With regard to paragraphs 114 to 117 of the State party report, please provide updated information on the awareness-raising and training programmes on the Optional Protocol put in place by the State party for all groups of professionals who work with and for children, as well as the general public, including the children themselves and their families, particularly in rural areas. Please specify whether such programmes are carried out regularly and systematically and whether their results have been evaluated.

10. Please indicate the mechanisms in place to identify children that are particularly at risk from the offences covered by the Optional Protocol, including children from marginalized families, migrant children, children who work and live on the street and those living in remote rural areas.

11. Please provide updated information on the measures taken by the State party to prevent the offences covered by the Optional Protocol and to address their root causes, such as poverty, lack of access to education, lack of birth registration, gender-based discrimination, forced or early marriage, domestic violence, including sexual violence against children, and violence at school, within communities and on the street.

12. Please provide further information on the measures taken to combat the sexual exploitation of children, particularly children who work in clubs, bars, restaurants, cafes and massage parlours and to put a stop to the phenomenon known as "girl markets". In particular, please indicate the inquiries and legal proceedings pursued in such cases.

13. Please describe the initiatives taken to combat child pornography, including child pornography, on the Internet and the supply of pornographic material featuring children in various markets.

14. Please describe the initiatives taken to combat sex tourism, mainly in coastal towns, and to prosecute the persons involved. Please also indicate the measures taken to facilitate

the broad dissemination of codes of conduct aimed at combating the practice to tourism professionals throughout the hotel sector in the State party.

15. Please indicate the methods used to identify child victims of sale, prostitution or pornography. Please also provide details of the measures taken to protect, at every stage of criminal proceedings, the rights and interests of child victims of violations of the provisions of the Optional Protocol, and to ensure that they are treated as victims and not as perpetrators.